



To: Prospective Applicants for a Stormwater General Permit Associated with Construction Activity Greater than 5 Acres

Attached is a **Stormwater General Permit Associated with Construction Activity Greater than 5 Acres Notice of Intent (NOI) CSW-G**, for a Louisiana Pollutant Discharge Elimination System (LPDES) permit, authorized under EPA's delegated NPDES program under the Clean Water Act. To be considered complete, every item on the form must be addressed and the last page signed by an authorized company agent.

Three copies (one original and two copies) of your **completed NOI** should be submitted to:

Department of Environmental Quality
Office of Environmental Services
Post Office Box 4313
Baton Rouge, LA 70821-4313
Attention: Permits Division

Please be advised that completion of this NOI may not fulfill all state, federal, or local requirements for facilities of this size and type.

According to L. R. S. 48:385, any discharge to a state highway ditch, cross ditch, or right-of-way shall require approval from:

Louisiana DOTD
Office of Highways
Post Office Box 94245
Baton Rouge, LA 70804-9245
(225) 379-1301

AND

Louisiana DHH
Office of Public Health
6867 Bluebonnet Road, Box 7
Baton Rouge, LA 70810
(225) 765-5044

A copy of the LPDES regulations may be obtained from the Department's website at <http://www.deq.state.la.us/planning/regs/index.htm> or by contacting the Office of Environmental Assessment, Regulations Development Section, Post Office Box 4314, Baton Rouge, Louisiana 70821-4314, phone (225) 219-3550.

After the review of the NOI, this Office will issue written notification to those applicants who are accepted for coverage under this general permit.

For questions regarding this NOI please contact the Water & Waste Permits Division at (225) 219-3181. For help regarding completion of this NOI please contact DEQ, Small Business Assistance at 1-800-259-2890.

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
Office of Environmental Services, Permits Division
Post Office Box 4313
Baton Rouge, LA 70821-4313
PHONE#: (225) 219-3181

**LPDES NOTICE OF INTENT (NOI) TO DISCHARGE STORMWATER ASSOCIATED
WITH CONSTRUCTION ACTIVITY GREATER THAN 5 ACRES**
(Attach additional pages if needed.)

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by an LPDES permit issued for stormwater discharges associated with construction activity in Louisiana. Submission of this Notice of Intent also constitutes that implementation of the Storm Water Pollution Prevention Plan required under the general permit will begin at the time the permittee commences work on the construction project identified in Section II below.

SECTION I - FACILITY INFORMATION

- A. Permit is to be issued to the following:** (must be a party having operational control over construction plans and specifications and /or a party having day-to-day operational control over those activities at a project site which are necessary to ensure compliance with the storm water pollution prevention plan or other permit conditions LAC 33:IX.2501.B and LAC 33:IX.2503.A and B).

1. Legal Name of Applicant

(Company, Partnership, Corporation, etc.) _____

Facility Name _____

Mailing Address _____

Zip Code: _____

If applicant named above is not also the owner, state owner name, phone # and address.

Please check status:

☐

Federal

☐

Parish

☐

Municipal

☐

State

☐

Public

☐

Private

☐

Other: _____

2. Location of facility. Please provide a specific address, street, road, highway, interstate, and/or River Mile/Bank location of the facility for which the NOI is being submitted.

City _____

Zip Code _____

Parish _____

Front Gate Coordinates:

Latitude- _____

deg. _____

min. _____

sec. _____

Longitude- _____

deg. _____

min. _____

sec. _____

Method of Coordinate Determination: _____

(Quad Map, Previous Permit, website, GPS)

Is the facility located on Indian Lands?

☐

Yes

☐

No

SECTION I – FACILITY INFORMATION (cont.)

A. Stormwater Pollution Prevention Plan Information.

- Has the Stormwater Pollution Prevention Plan (SWPP) been prepared? (Do not submit SWPP with this NOI)
☐ Yes ☐ No
- Indicate address of location of SWPPP if different from Project Location.

Address _____
City _____ State _____ Zip _____

B. Location Information

- Estimated Construction Start Date: (mo/day/yr) _____
- Estimated Construction Completion Date: (mo/day/yr) _____
- Estimate of area to be disturbed (to nearest acre) _____
- Is the project part of a larger development or subdivision? ☐ Yes ☐ No
If yes, provide the name of the development or subdivision. _____

C. Discharge Information

- If the discharge from the facility first enters a Municipal Separate Storm Sewer System (MS4), provide the name of the MS4.

- Name of receiving Waterbody _____
- Estimate of Likelihood of Discharge: (choose only one)
☐ Unlikely ☐ Once per month ☐ Once per week ☐ Once per day ☐ Continual
- Based on the attached Endangered Species Guidance are there any listed endangered or threatened species in the project area?
☐ Yes ☐ No
- Based on the attached Historic Properties Guidance, are any historic properties listed or eligible for listing on the National Register of Historic Places located on the facility or in proximity to the discharge?
☐ Yes ☐ No
- Was the State Historic Preservation Office (see Part I.A.3.f of the permit) involved in your determination of eligibility?
☐ Yes ☐ No

SECTION II – LAC 33.I.1701 REQUIREMENTS

- Does the company or owner have federal or state environmental permits identical to, or of a similar nature to, the permit for which you are applying in other states? (This requirement applies to all individuals, partnerships, corporations, or other entities who own a controlling interest of 50% or more in your company, or who participate in the environmental management of the facility for an entity applying for the permit or an ownership interest in the permit.)
☐ Permits in other states (list states): _____
☐ No other environmental permits.
- Do you owe any outstanding fees or final penalties to the Department? ☐ Yes ☐ No
If yes, please explain.

- Is your company a corporation or limited liability company? ☐ Yes ☐ No
If yes, is the corporation or LLC registered with the Secretary of State? ☐ Yes ☐ No

CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I also certify that a storm water pollution prevention plan, including both construction and post construction controls, has been prepared for the site in accordance with the permit and that such plan complies with approved State, Tribal and/or local sediment and erosion plans or permits and/or storm water management plans or permits. I am aware that signature and submittal of the NOI is deemed to constitute my determination of eligibility under one or more of the requirements of Permit Part I.A.3.e(1), related to the Endangered Species Act requirements. To the best of my knowledge, I further certify that such discharges and discharge related activities will not have an effect on properties listed or eligible for listing on the National Register of Historic Places under the National Historic Preservation Act, or are otherwise eligible for coverage under Part I.A.3.f of the permit. I am also aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature _____

Printed Name _____

Title _____

Company _____

Date _____

Telephone _____

ENDANGERED SPECIES GUIDANCE

I. INSTRUCTIONS

Below is a list of endangered and threatened species that EPA has determined may be affected by the activities covered by the large construction general permit (LCGP). These species are listed by parish. In order to get LCGP coverage, applicants must:

- Determine whether any species listed in this Guidance or critical habitat are in proximity to the facility,
- Certify pursuant to Section I.A.3.e follow the procedures found in this Guidance to protect listed endangered and threatened species and designated critical habitat and that the stormwater discharges and BMPs to control stormwater run off covered under this permit meet one or more of the eligibility requirements of Part I.A.3.e.(1) of this permit. Signature and submittal of this Notice of Intent is deemed to constitute the Operator's compliance with eligibility requirements for permit coverage.

To determine permit eligibility and to avoid unauthorized impacts upon threatened or endangered species or on the critical habitat for those species, follow steps 1 through 4, and 5 if applicable when completing the Notice of Intent and in development of the pollution prevention plan.

STEP 1: DETERMINE IF THE CONSTRUCTION SITE OR ASSOCIATED STORMWATER DISCHARGE(S) IS FOUND WITHIN THE VICINITY OF FEDERALLY LISTED THREATENED OR ENDANGERED SPECIES, OR THEIR DESIGNATED CRITICAL HABITAT.

Candidates for coverage under General Permit LAR100000 should contact the U.S. Fish and Wildlife Service and the National Marine Fisheries Service in writing for information regarding Federally listed threatened or endangered species, or their critical habitat. That request should include a description of the facility and a topographic map depicting the locations of the facility, the proposed construction activities, and the associated storm water discharges.

Fish and Wildlife Service
646 Cajundome Blvd.
Suite 400
Lafayette, LA 70506
(337) 291-3124

National Marine Fisheries Service
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, FL 33702
(727) 570-5301

If the proposed site is in proximity to any listed species or their proposed habitat, the applicant should proceed to **Step 2** below. If, however, the proposed site is not located in proximity to any federally listed species or their critical habitat, then the applicant should proceed directly to **Step 5**.

(EPA notes that many measures imposed to protect listed species under steps 3 through 4 will also protect critical habitat. However, obligations to ensure that an action is not likely to result in the destruction or adverse modification of critical habitat are separate from those of ensuring that an action is not likely to jeopardize the existence of threatened and endangered species. Thus, meeting the eligibility requirements of this permit may require measures to protect critical habitat that are separate and distinct from those to protect listed species.).

STEP 2: DETERMINE IF ANY SPECIES MAY BE FOUND "IN PROXIMITY" TO THE CONSTRUCTION ACTIVITY'S STORM WATER DISCHARGES:

A species is in proximity to a construction activity's storm water discharge when the species is:

- Located in the path or immediate area through which or over which contaminated point source storm water flows from construction activities to the point of discharge into the receiving water.
- Located in the immediate vicinity of, or nearby, the point of discharge into receiving waters.
- Located in the area of a site where storm water BMPs are planned or are to be constructed.

The area in proximity to be searched/surveyed for listed species will vary with the size and structure of the construction activity, the nature and quantity of the storm water discharges, and the type of receiving waters. Given the number of construction activities potentially covered by the LCGP, no specific method to determine whether species are in proximity is required for permit coverage under the LCGP. Instead, operators should use the method or methods which best allow them to determine to the best of their knowledge whether species are in proximity to their particular construction activities. These methods may include:

- Conducting visual inspections: This method may be particularly suitable for construction sites that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for construction activities that discharge directly into municipal storm water collection systems.
- Contacting the nearest State or Tribal Wildlife Agency or U.S. Fish and Wildlife Service (FWS) or National Marine Fisheries Service (NMFS) offices. Many endangered and threatened species are found in well-defined areas or habitats. That information is frequently known to State, Tribal, or Federal wildlife agencies.
- Contacting local/regional conservation groups. These groups inventory species and their locations and maintain lists of sightings and habitats.

- Conducting a formal biological survey. Larger construction sites with extensive storm water discharges may choose to conduct biological surveys as the most effective way to assess whether species are located in proximity and whether there are likely adverse effects.
- Conducting an Environmental Assessment Under the National Environmental Policy Act (NEPA). Some construction activities may require environmental assessments under NEPA. Such assessments may indicate if listed species are in proximity. (LCGP coverage does not trigger NEPA because it does not regulate any dischargers subject to New Source Performance Standards under Section 306 of the Clean Water Act. See CWA, 511(c). However, some construction activities might require review under NEPA because of Federal funding or other Federal nexus.)

If no species are in proximity, an operator is eligible for LCGP coverage under Part I.A.3.E.(1)(a) of the permit.

If listed species are found in proximity to a facility, operators must indicate the location and nature of this presence in the storm water pollution prevention plan and follow step 3 below.

STEP 3: DETERMINE IF SPECIES OR CRITICAL HABITAT COULD BE ADVERSELY AFFECTED BY THE CONSTRUCTION ACTIVITY'S STORM WATER DISCHARGES OR BY BMPs TO CONTROL THOSE DISCHARGES.

Scope of Adverse Effects: Potential adverse effects from storm water include:

- Hydrological. Storm water may cause siltation, sedimentation or induce other changes in the receiving waters such as temperature, salinity, or pH. These effects will vary with the amount of storm water discharged and the volume and condition of the receiving water. Where a storm water discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely.
- Habitat. Storm water may drain or inundate listed species habitat.
- Toxicity. In some cases, pollutants in storm water may have toxic effects on listed species.

The scope of effects to consider will vary with each site. Operators must also consider the likelihood of adverse effects on species from any BMPs to control storm water. Most adverse impacts from BMPs are likely to occur from the construction activities. However, it is possible that the operation of some BMPs (for example, larger storm water retention ponds) may affect endangered and threatened species.

If adverse effects are determined to be not likely, then the operator is eligible for LCGP coverage under Part I.A.3.e(1)(a) of the permit.

If adverse effects are likely, operators should follow step 4 below.

STEP 4: DETERMINE IF MEASURES CAN BE IMPLEMENTED TO AVOID ANY ADVERSE EFFECTS:

If an operator determines that adverse effects are likely, it can receive coverage if appropriate measures are undertaken to avoid or eliminate any actual or potential adverse effects prior to applying for permit coverage. These measures may involve relatively simple changes to construction activities such as re-routing a storm water discharge to bypass an area where species are located, relocating BMPs, or limiting the size of construction activity that will be subject to storm water discharge controls.

At this stage, operators may wish to contact the FWS and/or NMFS to see what appropriate measures might be suitable to avoid or eliminate adverse impacts to listed species and/or critical habitat. (See 50 CFR 402.13(b)). This can entail the initiation of informal consultation with the FWS and/or NMFS which is described in more detail below at step 5.

If operators adopt measures to avoid or eliminate adverse effects, they must continue to abide by them during the course of permit coverage. These measures must be described in the storm water pollution prevention plan and may be enforceable as permit conditions.

If appropriate measures to avoid the likelihood of adverse effects are not available to the operator, the operator should follow step 5 below.

STEP 5: DETERMINE IF THE ELIGIBILITY REQUIREMENTS OF PART I.A.3.E.(1)(b)-(e) CAN BE MET.

Where adverse effects are likely, the operator must contact the EPA and FWS/NMFS. Operators may still be eligible for LCGP coverage if any likelihood of adverse effects are addressed through meeting the criteria of Part I.A.3.e.(1)(b)-(e) of the permit if:

- I.A.3.e.(1)(b). The operator's activity has received previous authorization through an earlier Section 7 consultation or issuance of a Endangered Species Act (ESA) Section 10 permit (incidental taking permit) and that authorization addressed storm water discharges and/or BMPs to control storm water runoff (e.g., developer included impact of entire project in consultation over a wetlands dredge and fill permit under Section 7 of the ESA).
- I.A.3.e.(1)(c). The operator's activity was considered as part of a larger, more comprehensive assessment of impacts on endangered and threatened species and /or critical habitat under Section 7 or Section 10 of the Endangered Species Act that which accounts for storm water discharges and BMPs to control storm water runoff (e.g., where an area-wide habitat conservation plan and Section 10 permit is issued which addresses impacts from construction
- activities including those from storm water or a NEPA review is conducted which incorporates ESA Section 7 procedures).

- I.A.3.e.(1)(d). Enter Section 7 consultation with the FWS and/or NMFS for the operator's storm water discharges and BMPs to control storm water runoff.

In such cases, EPA automatically designates the operator as a non-federal representative. *See* I.A.3.e.(4). When conducting Section 7 consultation as a non-federal representative, operators should follow the procedures found in 50 CFR 402 the ESA regulations. Operators must also notify EPA and the appropriate FWS/NMFS office of its intention to conduct consultation as a non-federal representative.

Coverage by the LCGP is permissible under Part I.A.3.e.(1)(b) if the consultation results in either: 1) FWS/NMFS written concurrence with a finding of no likelihood of adverse effects (*see* 50 CFR 402.13) or 2) issuance of a biological opinion in which FWS and/or NMFS finds that the action is not likely to jeopardize the continued existence of listed endangered or threatened species or result in the adverse modification or destruction of adverse habitat (*see* 50 CFR 403.14(h)).

Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the pollution prevention plan. As noted above, operators may, if they wish, initiate consultation during Step 4 above (upon becoming aware that endangered and threatened species are in proximity to the facility).

- I.A.3.e.(1)(e). The operator's activity was considered as part of a larger, more comprehensive site-specific assessment of impacts on endangered and threatened species by the owner or other operator of the site when it developed a SWPPP and that permittee met the eligibility requirements stated in items I.A.3.e.(1)(a), (b), (c), or (d) of the permit (e.g., owner was able to determine there would be no adverse impacts for the project as a whole under item (a), so contractor meets the eligibility requirements stated in item (e)). Utility companies applying for area-wide permit coverage meet the eligibility requirements stated in item (e) since authorization to discharge is contingent on a principal operator of a construction project having been granted coverage under this, or an alternative LPDES permit for the areas of the site where utilities installation activities will occur.

The determination of eligibility under the conditions of permit Parts I.A.3.e.(1)(b)-(e) shall be documented in the facility's SWPPP and copies of all applicable documents, such as FWS approval letters, included in the SWPPP.

The operator must comply with any terms and conditions imposed under the eligibility requirements of permit Parts I.A.3.e.(1)(a), (b), (c), (d), (e) to ensure that storm water discharges or BMPs to control storm water runoff are protective of listed endangered and threatened species and/or critical habitat. Such terms and conditions must be incorporated in the operator's storm water pollution prevention plan.

If the eligibility requirements of Part I.A.3.e.(1)(a)-(e) cannot be met then the operator may not receive coverage under this permit. Operators should then consider applying to LDEQ for an individual permit.

This permit does not authorize any "taking" (as defined under Section 9 of the Endangered Species Act) of endangered or threatened species unless such takes are authorized under Sections 7 or 10 the Endangered Species Act. Operators who believe their construction activities may

result in takes of listed endangered and threatened species should be sure to get the necessary coverage for such takes through an individual consultation or Section 10 permit.

This permit does not authorize any storm water discharges or BMPs to control storm water runoff that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the Endangered Species Act or result in the adverse modification or destruction of designated critical habitat.

II. ENDANGERED SPECIES PARISH LIST

<http://www.deq.state.la.us/permits/lpdes/species.pdf>

HISTORIC PROPERTIES GUIDANCE

Applicants must determine whether their facility's storm water discharge has the potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places.

For existing dischargers who do not need to construct BMPs for permit coverage, a simple visual inspection may be sufficient to determine whether historic properties are affected. However, for facilities which are new stormwater dischargers, applicants should conduct further inquiry to determine whether historic properties may be affected by the stormwater discharge or BMPs to control the discharge. In such instances, applicants should first determine whether there are any historic properties or places listed on the National Register or if any are eligible for listing on the register (e.g., they are “eligible for listing”).

Due to the large number of entities seeking coverage under this permit and the limited number of personnel available to the State Historic Preservation Officer to respond to inquiries concerning the location of historic properties, it is suggested that applicants first access the “National Register of Historic Places” information listed on the Louisiana Office of Cultural Development’s web page at the address listed below. The address for the Louisiana State Historic Preservation Officer is also listed below. Applicants may also contact city, parish or other local historical societies for assistance, especially when determining if a place or property is eligible for listing on the register.

The following scenarios describe how applicants can meet the permit eligibility criteria for protection of historic properties under this permit:

- (1) If historic properties are **not identified** in the path of a facility’s storm water discharge or where construction activities are planned to install BMPs to control such discharges (e.g., diversion channels or retention ponds), or

if historic properties **are identified** but it is determined that they will **not be affected** by the discharge or construction of BMPs to control the discharge

then the applicant has met the permit eligibility criteria under Part I.A.3.f.

- (2) If historic properties **are identified** in the path of a facility’s storm water discharge or where construction activities are planned to install BMPs to control such discharges, and it is determined that **there is the potential** to adversely affect the property, the applicant can still meet the permit eligibility criteria if he/she obtains and complies with a written agreement with the State Historic Preservation Officer which outlines measures the applicant will follow to mitigate or prevent those adverse effects. The contents of such a written agreement must be included in the facility's storm water pollution prevention plan.

In situations where an agreement cannot be reached between an applicant and the State Historic Preservation Officer, applicants should contact the Advisory Council on Historic Preservation listed below in this addendum for assistance.

The term “adverse effects” includes but is not limited to damage, deterioration, alteration or destruction of the historic property or place. LDEQ encourages applicants to contact the Louisiana State Historic Preservation Officer as soon as possible in the event of a potential adverse effect to a historic property.

Applicants are reminded that they must comply with all applicable State and local laws concerning the protection of historic properties and places.

I. Internet Information on the National Register of Historic Places

An electronic listing of the “National Register of Historic Places,” as maintained by the Louisiana Office of Cultural Development, Division of Historic Preservation, can be accessed on the Internet at “<http://www.crt.state.la.us/nhl2/default.htm>”. Remember to use small case letters when accessing Internet addresses.

II. Louisiana State Historic Preservation Officer (SHPO)

Louisiana, SHPO, Office of Cultural Development, P.O. Box 44247, Baton Rouge, LA 70804-4247. For questions contact the Section 106 Review Coordinator, Telephone: (225) 342-8170.

III. Advisory Council on Historic Preservation

Advisory Council on Historic Preservation, 12136 W. Bayaud Ave., Suite 330, Lakewood, CO 80228, Telephone (303) 969-5110, Fax: (303) 969-5115, Email: achp@achp.gov